

CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

TIP Project No.	N/A
WBS Project No.	13201.1028011 Dare
Federal Project No.	NC11-01 (FMIS 2011-01)

- A. Project Description: (Include project scope and location and refer to the attached project location map.)

Emergency NC 12 repair within the Pea Island National Wildlife Refuge (PINWR), DARE COUNTY - Due to storm damage along NC 12 within the PINWR, NCDOT is proposing the following:

- Construct a temporary bridge approximately 650 feet in length, including a 250-foot span over the main breach. Additional 200-foot approach spans on each end will taper to approximately 10-foot elevation.
- The roadway grade will be raised approximately 5 feet to meet the approach spans.
- Additional shoring of the roadway embankment as much as 200 feet from the ends of the approaches will be required; this includes approximately 1300 feet of sheet piling and approximately 1600 feet of shoring using sandbags. Preliminary estimates indicate that approximately 10,000 cubic yards of fill material will be required; the majority of this material is expected to be excavated from the area within the PINWR immediately south of the Oregon Inlet terminal groin.
- A work bridge approximately 200 feet in length will also be installed within the existing 100' easement during construction.
- The existing damaged asphalt will be removed.

All work at this location would be within the existing 100' easement, with the following exceptions: the excavation of fill material within the PINWR south of the terminal groin, the placement of bridge bents that will extend outside the eastern easement boundary, and the use of sandbag fill material from the beach face below the mean high water line. The roadway will require a slight horizontal realignment within the existing easement.

- B. Purpose and Need:

The purpose of this project is to repair existing NC 12 and to maintain connectivity along the only highway facility on Hatteras Island. NC 12 is a vital link between the Outer Banks and the mainland to people that live on Hatteras Island and depend on mobility along that route.

C. Proposed Improvements:

Circle one or more of the following Type II improvements which apply to the project: **This is an Emergency Action, usually covered under Type I CE's (item #9-Governor Declared Emergency), however due to potential environmental concerns and location of proposed work within the PINWR, a Type II form has been used.**

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
 - a. Restoring, Resurfacing, Rehabilitating, and Reconstructing pavement (3R and 4R improvements)
 - b. Widening roadway and shoulders without adding through lanes
 - c. Modernizing gore treatments
 - d. Constructing lane improvements (merge, auxiliary, and turn lanes)
 - e. Adding shoulder drains
 - f. Replacing and rehabilitating culverts, inlets, and drainage pipes, including safety treatments
 - g. Providing driveway pipes
 - h. Performing minor bridge widening (less than one through lane)
 - i. Slide Stabilization
 - j. Structural BMP's for water quality improvement
2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
 - a. Installing ramp metering devices
 - b. Installing lights
 - c. Adding or upgrading guardrail
 - d. Installing safety barriers including Jersey type barriers and pier protection
 - e. Installing or replacing impact attenuators
 - f. Upgrading medians including adding or upgrading median barriers
 - g. Improving intersections including relocation and/or realignment
 - h. Making minor roadway realignment
 - i. Channelizing traffic
 - j. Performing clear zone safety improvements including removing hazards and flattening slopes
 - k. Implementing traffic aid systems, signals, and motorist aid
 - l. Installing bridge safety hardware including bridge rail retrofit
3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
 - a. Rehabilitating, reconstructing, or replacing bridge approach slabs
 - b. Rehabilitating or replacing bridge decks
 - c. Rehabilitating bridges including painting (no red lead paint), scour repair, fender systems, and minor structural improvements
 - d. Replacing a bridge (structure and/or fill)
4. Transportation corridor fringe parking facilities.

5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
7. Approvals for changes in access control.
8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes, advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
13. Acquisition and construction of wetland, stream and endangered species mitigation sites.
14. Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines.

D. Special Project Information: (Include Environmental Commitments and Permits Required.)

This project will require an Emergency CAMA Major Permit from the Division of Coastal Management, a Nationwide Permit #23 and a General Permit #48 (for sandbag fill material) from the US Army Corps of Engineers, a Water Quality Certification from the Division of Water Quality and Special Use Permits from the US Fish and Wildlife Service for the excavation of fill material within the

PINWR and for the repairs to NC 12.

All work is expected to be contained within the existing 100' easement, except for the excavation of fill material from behind the Oregon Inlet terminal groin, the location of bridge bents on the east side of the bridge, and the dredging of sandbag fill material from the beach face below the mean high water line.

E. Threshold Criteria

The following evaluation of threshold criteria must be completed for Type II actions:

<u>ECOLOGICAL</u>	<u>YES</u>	<u>NO</u>
(1) Will the project have a substantial impact on any unique or important natural resource?	<input type="checkbox"/>	<u>X</u>
(2) Does the project involve habitat where federally listed endangered or threatened species may occur?	<input checked="" type="checkbox"/>	<u> </u>
(3) Will the project affect anadromous fish?	<input type="checkbox"/>	<u>X</u>
(4) If the project involves wetlands, is the amount of permanent and/or temporary wetland taking less than one-tenth (1/10) of an acre and have all practicable measures to avoid and minimize wetland takings been evaluated?	<u>X</u>	<input type="checkbox"/>
(5) Will the project require the use of U. S. Forest Service lands?	<input type="checkbox"/>	<u>X</u>
(6) Will the quality of adjacent water resources be adversely impacted by proposed construction activities?	<input type="checkbox"/>	<u>X</u>
(7) Does the project involve waters classified as Outstanding Water Resources (OWR) and/or High Quality Waters (HQW)?	<input type="checkbox"/>	<u>X</u>
(8) Will the project require fill in waters of the United States in any of the designated mountain trout counties?	<input type="checkbox"/>	<u>X</u>
(9) Does the project involve any known underground storage tanks (UST's) or hazardous materials sites?	<input type="checkbox"/>	<u>X</u>
 <u>PERMITS AND COORDINATION</u>	 <u>YES</u>	 <u>NO</u>
(10) If the project is located within a CAMA county, will the project significantly affect the coastal zone and/or any "Area of Environmental Concern" (AEC)?	<input type="checkbox"/>	<u>X</u>
(11) Does the project involve Coastal Barrier Resources Act resources?	<input checked="" type="checkbox"/>	<u> </u>
(12) Will a U. S. Coast Guard permit be required?	<input type="checkbox"/>	<u>X</u>
(13) Will the project result in the modification of any existing regulatory floodway?	<input type="checkbox"/>	<u>X</u>

(14)	Will the project require any stream relocations or channel changes?	<input type="checkbox"/>	<u>X</u>
<u>SOCIAL, ECONOMIC, AND CULTURAL RESOURCES</u>		<u>YES</u>	<u>NO</u>
(15)	Will the project induce substantial impacts to planned growth or land use for the area?	<input type="checkbox"/>	<u>X</u>
(16)	Will the project require the relocation of any family or business?	<input type="checkbox"/>	<u>X</u>
(17)	Will the project have a disproportionately high and adverse human health and environmental effect on any minority or low-income population?	<input type="checkbox"/>	<u>X</u>
(18)	If the project involves the acquisition of right of way, is the amount of right of way acquisition considered minor?	<u>X</u>	<input type="checkbox"/>
(19)	Will the project involve any changes in access control?	<input type="checkbox"/>	<u>X</u>
(20)	Will the project substantially alter the usefulness and/or land use of adjacent property?	<input type="checkbox"/>	<u>X</u>
(21)	Will the project have an adverse effect on permanent local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<u>X</u>
(22)	Is the project included in an approved thoroughfare plan and/or Transportation Improvement Program (and is, therefore, in conformance with the Clean Air Act of 1990)?	<u> </u>	<input checked="" type="checkbox"/>
(23)	Is the project anticipated to cause an increase in traffic volumes?	<input type="checkbox"/>	<u>X</u>
(24)	Will traffic be maintained during construction using existing roads, staged construction, or on-site detours?	<u> </u>	<input checked="" type="checkbox"/>
(25)	If the project is a bridge replacement project, will the bridge be replaced at its existing location (along the existing facility) and will all construction proposed in association with the bridge replacement project be contained on the existing facility?	<u>N/A</u>	<input type="checkbox"/>
(26)	Is there substantial controversy on social, economic, or environmental grounds concerning the project?	<input type="checkbox"/>	<u>X</u>
(27)	Is the project consistent with all Federal, State, and local laws relating to the environmental aspects of the project?	<u>X</u>	<input type="checkbox"/>
(28)	Will the project have an "effect" on structures/properties eligible for or listed on the National Register of Historic Places?	<input checked="" type="checkbox"/>	<u> </u>

- (29) Will the project affect any archaeological remains which are important to history or pre-history? ☐ X
- (30) Will the project require the use of Section 4(f) resources (public parks, recreation lands, wildlife and waterfowl refuges, historic sites, or historic bridges, as defined in Section 4(f) of the U. S. Department of Transportation Act of 1966)? *(See Section F of this PCE for a specific explanation of Section 4(f) applicability.)* ☐ X
- (31) Will the project result in any conversion of assisted public recreation sites or facilities to non-recreation uses, as defined by Section 6(f) of the Land and Water Conservation Act of 1965, as amended? ☐ X
- (32) Will the project involve construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers? ☐ X

F. Additional Documentation Required for Unfavorable Responses in Part E
(Discussion regarding all unfavorable responses in Part E should be provided below. Additional supporting documentation may be attached, as necessary.)

Item (2) - This work will temporarily involve habitat where federally listed endangered or threatened species may occur, as it is adjacent to the shoreline within the PINWR and in the area behind the Oregon Inlet terminal groin (critical habitat for the wintering piping plover). The excavation behind the terminal groin is at US Fish and Wildlife Service request, in part to benefit the piping plover habitat. NCDOT will conduct the work in consultation with PINWR and NC Division of Coastal Management staff. This emergency repair meets the criteria of 50 CFR 402.05.

Item (11) - This property is listed under the Coastal Barrier Resource Act as being "otherwise protected areas." The restoration of NC 12 will have no effect on the status of the listing with the Coastal Barrier Resource Act.

Item (22) - The project is an emergency response to damage caused by Hurricane Irene and will restore a previously existing section of NC 12. The project is in conformance with the Clean Air Act of 1990.

Item (24) - The project will restore a section of NC 12 that has been breached. Temporary detours are not anticipated.

Item (28) - The State Historic Preservation Office (SHPO) has concurred (9/2/11) that the use of a temporary bridge will not have an adverse effect on the PINWR under Section 106.

Item (30) - The only work to occur within the PINWR outside of the existing 100-foot easement is the following:

- The excavation of borrow material from the area behind the Oregon Inlet terminal groin. This does not constitute a "use" of a Section 4(f) resource because it returns the property to conditions as specified by PINWR administrators.
- The location of bridge bents on the east side of the temporary bridge; two bent footings will extend approximately 5 feet east of the easement boundary, while the battered piles associated with all four bents on the east side of the bridge will extend underground outside of the easement boundary. However, due to the temporary nature of the project, this is not considered a "use" of a Section 4(f) resource.
- Sandbag fill material will be dredged and pumped to fill the sandbags from the beach face below the mean high water level. Dredging will occur as close to the location of the sandbags as possible but could occur as far away as 500 feet along the beach face. However, due to the temporary nature of the project, this is not considered a "use" of a Section 4(f) resource.

PINWR has issued (9/6/11) a Special Use Permit for this work and is expected (9/8/11) to concur with the placement of the bridge bents and the sandbag fill material. In addition, the State Historic Preservation Office has concurred that the use of a temporary bridge will not have an adverse effect on the PINWR under Section 106.

G. CE Approval

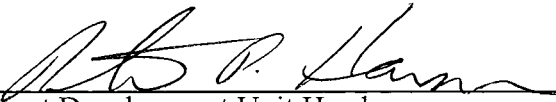
TIP Project No. N/A
State Project No. 13201.1028011 Dare
Federal-Aid Project No. NC11-01 (FMIP 2011-01)

Categorical Exclusion Action Classification: (Check one)

X TYPE I (with FHWA Approval)
 TYPE II(A)
 TYPE II(B)

Approved:


9/8/11
Date


Project Development Unit Head
Project Development and Environmental Analysis Branch

9.8.11
Date

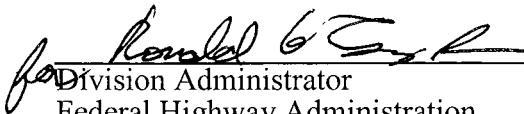

Project Engineer
Project Development and Environmental Analysis Branch

9/8/11
Date


Project Planning Engineer
Project Development and Environmental Analysis Branch

For Type II(B) projects only:

9/8/11
Date


Division Administrator
Federal Highway Administration